



City of Seattle Department of Planning and Development

Date: **January 6, 2010**

Frequently Asked Questions (FAQ) Multifamily Code Update

1. What Multifamily Code related legislation was adopted by the City Council?

The City Council has reviewed the Mayor's proposed changes to multifamily zoning and has decided to split the proposal into two pieces of legislation. The first piece adopted changes to the Midrise (MR) and Highrise (HR) zones, with some provisions amended that would affect all zones, such as reductions in parking. The second piece will be taken up in the middle of 2010 by the Council's Committee on the Built Environment after DPD completes additional analysis requested by the City Councilmembers.

See Ordinance 123209 at the City Clerk's website: <http://www.seattle.gov/leg/clerk/clerk.htm> (search for Ordinance 123209)

The ordinance was signed by the Mayor on December 21, 2009 and will be effective on February 19, 2010.

2. What MR and HR provisions are updated?

Highlights of the amendments included in the adopted Ord. 123209 include:

1. Updates to MR and HR rezone criteria;
2. Consolidation of provisions for public facilities in all residential zones (new Chapter 23.51A);
3. Consolidation of provisions for public schools in all residential zones (new Chapter 23.51B);
4. Application of Floor Area Ratios (FAR);
5. New structure heights in certain circumstances;
6. Application of development standards for lots over 9,000 square feet in MR zones;
7. New structure setbacks and separations between structures;
8. New HR zone width and depth limits, and addition of average floor size limits on larger lots;
9. Application of residential amenity standards;
10. Application of the Seattle Green Factor landscaping provisions;

11. Use of incentive zoning provisions for workforce affordable housing (and in the HR zone, open space and landmark preservation) *For more on incentive zoning, see response to question 4;*
12. Requirements for green building using the LEED, Built Green and Evergreen Sustainable Development Standards; and
13. Elimination or reduction of minimum parking requirements in all multifamily zones.

While over the course of its deliberations on the Mayor's proposed bill, the Council amended the original proposal, much of the intent and content of the adopted bill are the same or similar as originally introduced to the City Council. Attached to this FAQ is a table that summarizes the major differences between CB 116534 (the Mayor's original submitted legislation) and Ord. 123209 (what the City Council adopted).

3. When does it become effective?

In order to give the Department of Planning and Development sufficient time to train staff and update application materials, the City Council provided for a 60 day period before the bill goes into effect. The 60 day period begins after the Mayor signs the legislation, which happened on December 21, 2009. The effective date is February 19, 2010.

4. What is incentive zoning?

Additional height and floor area is permitted in the HR zone and MR zones within urban centers and the light rail Station Area Overlay District. The requirements of the Incentive Zoning Chapter (23.58A) apply, if developers choose to take advantage of the additional development capacity. In the HR zone, other incentives include a bonus for open space and green street setbacks. Also in HR, other provisions allow a developer to acquire unused development rights transferred from lots occupied by open spaces or landmark structures. This form of incentive is referred to as transfer of development potential (TDP). A different term is used to distinguish between the HR zone and the transfer program for downtown.

For more information on incentive zoning go to this link:
http://www.seattle.gov/dpd/Planning/Incentive_Zoning_Program/Overview/

5. What is happening with the lowrise zone proposals?

DPD has been directed by the City Council to evaluate additional options to update the provisions of the lowrise zones, in particular to address ways to improve the look and function of townhouse development. The second piece of multifamily legislation is anticipated to be ready for City Council consideration in the spring of 2010. This legislation will also likely incorporate the proposal for a new design review process for townhouse development. A separate City Council public hearing will be held on that bill, and further public notice will be provided.

Original proposal by the Mayor – Council Bill 116534	Ordinance 123209	Comments
Midrise (MR) and Highrise (HR) zoning criteria – Seattle Municipal Code (SMC) Sections 23.34.024 and 23.34.028		
Eliminates the existing criteria used to guide decisions when a rezone is proposed to a MR and HR zone, and replaces them with more general language.	Retains the existing criteria for rezoning to MR and HR zones, except that the existing prohibition of rezones in Environmentally Critical Areas (ECA) in MR and HR zones is waived when: 1) the ECA was created by previous “human activity”, such as a steep slope created by grading for a road; or 2) the area is designated as an ECA due to peat settlement, liquefaction, seismic or volcanic hazard, flood prone area, or abandoned landfill, which can be addressed by specific construction methods.	The DPD proposal was intended to consolidate and simplify the rezone criteria for all multifamily zones. It did not make sense to use this approach only for MR and HR zones. Some MR or HR development can occur in certain types of ECA’s without compromising environmental integrity or safety in these areas.
Public facilities in residential zones – SMC Chapter 23.51A		
Reorganizes existing public facilities standards in all multifamily zones into a new code section	No changes to basic concept	Consolidating these regulations into one code section should make the code easier to use.
Requires a Council Conditional Use for expansions over 750 square feet at the Washington State Convention and Trade Center (WSCTC).	Raises the threshold from 750 square feet to 12,000 square feet, to match the environmental review (SEPA) threshold in the HR zone.	
Public schools in residential zones – SMC Chapter 23.51B		
Reorganizes existing public school standards in single family and multifamily zones into one new section	No changes to basic concept	Consolidating these regulations into one code sections and clarifying the height standards should make the code easier to use.
No height limits are established for public schools in MR and HR zones.	Clarifies that the height limit for public schools is the permitted base height limit for multifamily structures in MR and HR zones.	
Floor Area Ratio (FAR)– SMC Section 23.45.510		
Replaces existing bulk controls, such as lot coverage limits and modulation requirements, with an FAR limit in MR and HR zones.	No changes to basic concept	Replacing restrictive bulk standards with FAR allows developers greater flexibility in designing projects.
Sets a base FAR limit of 3.2 in the MR zone and 7.0 in the HR zone	Retains 3.2 base FAR in the MR zone; allows base FAR of 8.0 in the HR zone for small lots of 15,000 square feet or less	Moving to an FAR standard should foster more innovative designs.

Original proposal by the Mayor – Council Bill 116534	Ordinance 123209	Comments
Exempts underground parking areas from FAR when exposed up to 4 feet above existing or finished grade.	Expands the FAR exemption to include any use within that portion of the structure that is exposed up to 4 feet above existing or finished grade.	The proposed FAR exemptions are intended to encourage landmark preservation and provision of neighborhood services in the HR zone, and lead to better building design. The increase in maximum FAR limits provides a small (approximately 6%) increase in density when the incentive zoning program is used, and encourages the provision of market rate and affordable units in areas that are able to accommodate growth.
No FAR exemption for City of Seattle landmarks.	Exempts the square footage of City of Seattle landmarks in MR and HR zones from the FAR limits.	
No FAR exemption for enclosed residential amenity spaces.	Exempts enclosed residential amenity spaces from FAR limits in HR zones.	
No FAR exemption for mechanical equipment.	In HR zones, exempts 3.5% of a building’s gross floor area as an allowance for mechanical equipment, similar to downtown zones.	
No FAR exemption for allowed ground floor commercial uses in HR zones	Exempt FAR for ground floor commercial uses permitted in HR zones if the space has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet.	
When the incentive zoning program is used, sets a maximum FAR of 4.0 in the MR zone and a maximum FAR of 13 in the HR zone.	In MR zones, sets the maximum FAR at 4.25; In HR zones, sets the maximum FAR at 13 for structures up to 240 feet in height, and at 14 for structures between 240 and 300 feet.	
Structure height – SMC Section 23.45.514		
Retains the existing 60 foot base height limit in MR zones	In MR zones, keeps the 60 foot base height, and adds a five foot height exception, if the additional height does not result in more than 6 stories above grade and when one of the following occur: 1. The FAR exemption for partially buried portions of structures is used; 2. The structure has floor to ceiling heights of more than nine feet; or 3. The site is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.	The height exception in MR zones encourages better building design, more privacy for residents, and more livable units with greater floor to ceiling heights. The additional height allowed in HR zones, along with the additional FAR achieved through the Incentive zoning program, should generate additional interest in developing high density market-rate and subsidized housing in the First Hill neighborhood.
In HR zones, keeps the existing base height of 160	No changes to basic concept	

Original proposal by the Mayor – Council Bill 116534	Ordinance 123209	Comments
feet. Increases the maximum height to 300 feet when participating in the incentive zoning program.		
No changes proposed for permitted rooftop features allowed above the height limit, with the exception of a new 2 foot height exception for green roofs.	Adds wind-driven power generators to the list of features allowed up to 10 feet above the height limit.	Allowing green roofs and wind-driven power generators to exceed the height limit expands the city’s commitment to sustainable development.
Development standards for lots over 9,000 square feet in MR zone – SMC Section 23.45.528		
Eliminates the current lot coverage, width and depth standards for lots in MR zones that are smaller than 9,000 square feet.	In addition to DPD proposal, eliminates lot coverage limits for all lots, not just those smaller than 9,000 square feet.	On lots larger than 9,000 square feet or less in size, the FAR limit and setback requirements are sufficient to control building bulk. On larger lots, the additional width and depth standards are necessary to make buildings fit into the surrounding neighborhood. Eliminating the other requirements would help simplify the code and provides more design flexibility.
Structure setbacks and separations – SMC Section 23.45.518		
Reduces property line setbacks in MR and HR zones.	No changes to basic concept	Replacing and simplifying setbacks in MR and HR zones, supported by bulk building controls through FAR, provides more opportunity and flexibility in siting and designing buildings.
Replaces the existing setbacks in MR zones that require greater setbacks based on wall height and depth with uniform property line setbacks.	No changes to basic concept	
In the HR zone, eliminates most of the upper level setback requirements that result in a “wedding cake” building form. The remaining setbacks apply at heights of 45 and 85 feet.	Eliminates upper level setbacks between 45’ and 85’ and requires a minimum setback at 45’.	<p>Simplifying tower setback requirements in HR zones should allow for more innovation in tower designs and ease tower construction requirements.</p> <p>Simplifying HR tower setbacks at 45 feet from the proposed two-tiered setbacks at 45 and 85 feet will provide a lower tower base and appropriate transitions, scale and context for both pedestrians and adjacent structures.</p>
Limits the height of fences to four feet in front	Allows fences in front setbacks to be up to 6 feet high, if the	Allowing decorative fence treatments, similar to those

Original proposal by the Mayor – Council Bill 116534	Ordinance 123209	Comments
yards, using lowest point on site, including the sidewalk, to determine height.	portions between 4 and 6 feet are substantially open and provide trellises, arbors or other architectural detailing. Changes the method for measuring fence height to eliminate measuring from the sidewalk.	allowed in SF zones, should improve the design of fencing. Measuring fence height from the sidewalk would have completely prohibited fences from being built on lots that slope up from the street.
Highrise zone width and depth limits – SMC Section 23.45.520		
Above 85 feet, limits structure façade width and depth to 110 feet regardless of lot dimensions	Reduces the height at which structure façade width and depth standards apply, from 85 feet to 45 feet. Adopts development standards regulating structure façade width based on the length of street frontage and participation in Incentive Zoning (SMC 23.58A), while limiting total permitted tower floor sizes.	Applying the tower width and depth standards in HR zones at 45 feet instead of at both 45 feet and 85 feet complements the proposed setback standards and will provide appropriate transitions, scale and context for both pedestrians and adjacent structures. The width exceptions would allow wider buildings with double loaded corridors to be built on three-lot sites, and would provide a benefit for projects that provide affordable housing units within the building. The wider structures would be less costly per square foot because the space taken up by core systems (such as elevators and stairways) would be a smaller percentage of the floor size.
Residential amenity areas – SMC Section 23.45.522		
Replaces existing open space requirements in MR and HR zones with a residential amenity standard based on 5% of the gross floor area in residential use.	No changes to basic concept	Replacing the open space standards in MR and HR zones with the same residential amenity standards that apply in commercial zones provides appropriate amenity spaces for high density residential dwellings.
The only enclosed residential amenity area that can count towards the required amount of residential amenity space must be located on rooftops in HR zones.	Allows enclosed residential amenity areas in MR and HR zones, up to 50% of the required area, in any location within the building. Also establishes a minimum dimension requirement for approved enclosed spaces.	Allowing half of the requirement to be met indoors provides more option for usable space for residents.

Original proposal by the Mayor – Council Bill 116534	Ordinance 123209	Comments
Green Factor – SMC Section 23.45.524		
Extends the existing Green Factor landscaping requirement to MR and HR zones, with a minimum 0.6 green factor score requirement.	Changes the Green Factor score requirement from 0.6 to 0.5.	Extending the Green Factor to multifamily zones, with Council’s refinements, should provide more and varied landscape treatments for the enjoyment of residents and neighboring properties, and should improve the ecological function of the landscaping. Reducing the required score from 0.6 to 0.5 responds to Planning Commission’s concern that the higher score would not be workable, especially on small lots.
SMC Section 23.45.526 - LEED and Built Green		
For projects that use the incentive zoning program in MR and HR zones, requires that structures meet either the sustainable building standards of Leadership in Energy and Environmental Design (LEED) or the Built Green 4-star rating developed by the Master Builders Association of Seattle and Snohomish County.	Allows projects that receive funding from Washington State Housing Trust Fund or the City of Seattle’s Office of Housing the option of using the Washington Evergreen Sustainable Development Standards (ESDS), in addition to LEED and Built Green.	Projects that receive funding from the State Trust Fund must already meet the ESDS standards. Allowing the ESDS standards to fulfill City requirements avoids requiring a project to meet two different standards and reduces costs.
SMC Section 23.45.570 – Institutions		
Reorganizes existing Institution standards in all multifamily zones into a new code section.	No changes to basic concept	Extending the Green Factor to institutions, when they seek to maximize building areas, will provide a useful update in how landscaping is used to mitigate large scale buildings in residential zones.
Retains the options of either providing building modulation or additional landscaping as ways to mitigate the bulk of institutional structures permitted to exceed the city’s maximum width standards.	Changes the existing landscape requirements to require a 0.5 Green Factor landscaping score.	
SMC Section 23.54.015 – Minimum parking requirements		
Reduces multifamily parking requirements to one space per unit, except in specific mapped areas,	No changes to basic concept.	Requiring one parking space per unit reduces the parking requirement and more closely matches the actual number of

Original proposal by the Mayor – Council Bill 116534	Ordinance 123209	Comments
rather than basing the requirement on the number of bedrooms in the units.		cars per unit in multifamily buildings.
Extends existing waiver of parking requirements for commercially zoned properties in urban centers and the station area overlay district (SOAD) to multifamily zoned properties in these areas.	No changes to basic concept	Waiving parking requirements for multifamily zones in urban centers and the station area overlay district (SAOD) extends the City’s policies supporting alternatives to single occupancy vehicles in areas with good transit and walkable access to services.
Requires parking for low income elderly or low income disabled multifamily developments citywide.	Drops requirements for low income elderly or low income disabled multifamily projects in urban centers or SAOD.	While most projects will continue to provide parking, the waiver for multifamily zones in urban centers and the SAOD will allow developers more flexibility in providing parking while trying to meet development goals for construction of high density residential dwellings.
Any parking that is provided, whether required or not, must meet requirements for minimum parking size and parking space size (small, medium or large)	When parking is optional in multifamily zones, dimension standards and percentage of parking space size requirements are waived.	Extending the waiver of parking requirements to low income senior and disabled housing developments in urban centers and SAOD may make these projects less costly to develop.